IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

FREDERICK TORRENCE, Plaintiff, v. C.A. No. 07-331 ERIE SHELLEY LEE THOMPSON, et al, Defendants.
MEMORANDUM ORDER
Plaintiff's complaint was received by the Clerk of Court on December 3, 2007, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates. The magistrate judge's report and recommendation, filed on October 6, 2008, recommended that Defendants' motion to dismiss, or in the alternative, for summary judgment (Doc. #34) be granted, while Plaintiff's motion for summary judgment (Doc. #45) be denied. The parties were allowed ten (10) days from the date of service to file objections. Objections were filed by the Plaintiff on October 14, 2008 and on December 11, 2008. The Defendants filed a response on December 23, 2008. After de novo review of the pleadings and documents in the case, together with the report and recommendation and objections thereto, the following order is entered: AND NOW, this 12 Day of January, 2009; IT IS HEREBY ORDERED that the Motion to Dismiss, or in the alternative, for Summary Judgment (Document #34) is GRANTED, and the Motion for Summary Judgment (Doc. #45) is DENIED. The Clerk of Court is directed to close this case. The report and recommendation of Magistrate Judge Baxter, dated October 6, 2008, is adopted as the opinion of the court.
Maurie B. Co Rill W- MAURICE B. COHILL, JR. United States District Judge
cc: Susan Paradise Baxter U.S. Magistrate Judge

all parties of record _____